MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING JUNE 20, 2008 HOLIDAY INN BROWNSTONE 1707 HILLSBOROUGH STREET RALEIGH, NC 27605

BOARD MEMBER PRESENT

BOARD MEMBER ABSENT Richard Allen

James Stevens Berkley Blanks **David Grimes** Brenda Bishop Ron Burris Bill Booth

Mack Donaldson Steve Johnson Richard Jenkins Jimmy Ashe Sally Pleasant **David Pendry**

STAFF PRESENT

Terry Wright – Director Charles McDarris – Attorney Larry Liggins – Field Services Supervisor Joyce McClure - Board Secretary Susan Harrison – Licensing Assistant

GUEST PRESENT

Jonathan Elam Larry Flannery Ruth Reynolds Sybil Richards Jeff Kiker Bill Dover Russ Thomas Chris Ruhlman Wilford Hamlin Gary Thomas Nick Nicholson Audra Coleman Dorian Dehnel

Chairman Blanks called the June 20, 2008 Private Protective Services Board meeting to order at 9:00 a.m. Mr. Blanks welcomed all guests and requested they introduce themselves. Mr. Blanks requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics law, signed by Governor Easley, which addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery of the NCAPI, thanked the Training and Education Sub-Committee for allowing NCAPI's input on the Continuing Education issue. Mr. Flannery advised that they were having a Speaker, Hunter Glass at their meeting, which followed the Board Meeting. NCAPI's next Conference and training seminar will be in Hickory in September.

APPROVAL OF THE APRIL 18, 2008 MEETING MINUTES:

MOTION BY JUDGE BURRIS TO APPROVE THE MINUTES AS PRESENTED SECONDED BY MR. BOOTH, MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported for Mr. Allen that the Screening Committee met on Thursday June19, 2008 from 8:00 a.m. until 12:00 p.m and 12:30p.m to 5:00 p.m. to review a total of 85 applications with 13 denials and 7 deferred. The remainder of the applications were approved (see report). Committee members were, Mr. Allen, Mr. Pendry, Mrs. Bishop , Mrs. Pleasant and Mr. Ashe. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of 4/15/08 through 6/16/08. Total registrations 3,797; armed totals were 612 of which 259 were new, 331 were renewals, and 18 reissue/dual. Unarmed totals were 3,183 which include 1,497 new, 1,552 renewals, 127 transfer and 7 duplicates. Total denials 711 of which 218 for cause and 493 for correctable. There were 752 applications approved which were previously denied for a total of 1,463 denials reviewed.

Mrs. Bishop reported the following from the Screening Addendum, Ms. Thigpen was approved, Don Powell approved, Mr. Donald Harris was denied, Leroy Wilson was granted 970 hours, Mr. Goodman was approved on the condition of a favorable Criminal Record Check. Mr. Littlejohn was denied compensation.

The name change from Bantek West to Pendum was approved.

Mr. Stutts, Ms. Moore and the Polygraph issue were all deferred to the August Board Meeting.

Ms. Williams, Mr. Broome and Mr. McIntyre were all to be issued Letters of Warning for Insurance lapses.

Detention officers are to be considered sworn court officials.

Recommended to the Board to waive the fee for Change of Sponsor when a PIA request to change sponsors while his/her license is active.

Mack Donaldson recused himself from Christopher Bowers license issue.

Bill Booth recused himself from the Jonathan Johnson license issue.

Sally Pleasant recused herself from the Laura Moorehead and Joseph Paonessa license issues.

Jimmy Ashe recused himself from the Eddie Henry license issue.

The Board recommended that when licensees violate 74C-12 that the issue is to be presented to the appropriate Committee.

MOTION BY MR. GRIMES TO ACCEPT THE SCREENING REPORT AND REGISTRATION REPORT. SECONDED BY MR. BOOTH, MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported the committee met on Wednesday June 18, 2008 from 9:00 a.m. until 11:30 a.m. and from 1:00 p.m. until 3:00 p.m. to hear a total of ten cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth, Mr. Jenkins and Mr. Donaldson. Mr. Grimes presented the attached report. (see attachment)

Mrs. Bishop recused herself from the A. C. Roman complaint as did Mr. Blanks. Judge Burris recommended adding numbers to the Final Reports for Grievance.

MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MRS. PLEASANT, MOTION CARRIED.

FINAL AGENCY DECISIONS:

Attorney McDarris removed himself as Attorney for the Board and presented the following cases. All parties had been properly noticed of this meeting.

Case number 07-DOJ-1257 Tim McIntyre vs NCPPS Board was deferred Case number 07-DOJ-1071 Richard J. Hopper vs NCPPS Board was deferred.

Case number 08-DOJ-0568 Jonathan R. Elam vs PPS Board. Mr. Elam was present. This case was the denial of Mr. Elam's application for a Private Investigator License for lack of verifiable experience. Mr. Elam addressed the Board. The Administrative Law Judge recommended that his Private Investigator License be issued.

MOTION BY MRS. PLEASANT TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION. SECONDED BY MR. ASHE. MOTION CARRIED.

Case number 08-DOJ-0713 Wilford O. Hamlin vs NCPPS Board denial of unarmed registration. Mr. Hamlin was present and addressed the Board. The administrative law judge recommended that the Board uphold it's decision to deny the unarmed registration.

MOTION BY MR. BURRIS TO REVERSE THE ADMINISTRATIVE LAW JUDGE DECISION AND APPROVE THE UNARMED REGISTRATION APPLICATION. SECONDED BY MRS. BISHOP. MOTION CARRIED. MR. ASHE AND MR. GRIMES OPPOSED

Case number 07-DOJ-1483 Michael L. Scriven vs NCPPS Board denial of application for a Private Investigator Associate License due to unfavorable criminal history. Administrative Law Judge recommended the board uphold its decision to deny the private investigator associate license.

MOTION BY MR. GRIMES TO UPHOLD THE DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DENY THE PIA APPLICATION. SECONDED BY MR. STEVENS, MOTION CARRIED.

Case number 07-DOJ-1256 David S. Norris vs NCPPS Board denial of unarmed guard registration permit for lack of good moral character or temperate habits. The Administrative Law Judge recommended that the Board uphold it's decision to deny the unarmed guard application.

MOTION BY MR. BURRIS TO UPHOLD THE DECISION, SECONDED BY MR. STEVENS, MOTION CARRIED.

Case number 07-CVS-9991 David Keith Shelton vs NCPPS Board denial of application for a full Private Investigator License for lack of verifiable experience. Mr. Shelton was not present. Denial remanded from Superior Court. The Board reviewed the findings of

fact and conclusions of law. The applicant presented time logs to the Screening Committee and testimony followed at the hearing before the Office of Administrative Hearings regarding applicant's experience as evidenced in part by the logs. Further, the Board noted that it is the applicant's responsibility by rule to provide proof of verifiable experience. However, the applicant did not introduce the logs to the Court for review. Since the logs are material evidence of verifiable experience, the logs should have been made a part of the record. The Board, instead of remanding the matter to the Office of Administrative Hearings with the Order to accept the logs from the applicant, opens the Official Record to allow the applicant's logs to be introduced.

In reviewing the applicant's logs, the Board finds the logs lack credibility. The Board notes that the logs were created after the initial appearance before the Screening Committee. Further, it is noted that the logs span three years and the entries appear to be have been written at the same time and in the same hand writing to cover a three year period. The Board finds more than 14 instances where multiple cases were worked the same day and log entries exceeded an 8 hour day. The Board notes excessive time spent with the attorney. The logs make numerous references to surveillance and interviews but do not specifically give names, times, or locations. Therefore, the Board finds the logs lack credibility and reliability.

Having reviewed the record, the Board finds that the evidence lacks sufficient credibility to verify the sufficient number of hours to meet the qualifications for a *private investigator's license*.

MOTION BY MR. BURRIS TO UPHOLD DENIAL, SECONDED BY MR. STEVENS, MOTION CARRIED.

10:00 A.M. Break 10:15 A.M. Reconvene

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday June 18, 2008 from 2:05 p.m. until 3:30 p.m. The committee members present were Mr. Stevens, Mr. Booth, and Steve Johnson. Richard Allen and Jimmy Ashe and David Crimes were absent.

Mr. Pressley gave his report. The following classes are scheduled:

Summer 2008 Unarmed Guard Trainer at Wake Tech Community College (WTCC)

October, 2008 Firearms Trainer Re-certification at NCJA

September, 2008 Firearms Trainer Certification at NCJA

The following PPS trainer courses have been completed:

June 2008, Firearms Trainer Re-certification Course

Mr. Pressley advised the Board that at the April meeting the Board had approved a Voice Stress Course submitted by the National Truth Verification Institute. Mr. Pressley reported that another course will be submitted by Captain Hughes of Viper Systems, LLC via mail. The Board asked Mr. Pressley to review

the course material and submit it to the Board for consideration.

Mr. Malcolm Burchette of Wackenhut is seeking the approval of the Board for their Interactive training program to be operated out of the Greensboro office.

Training and Education proposed to write a rule to standardize the requirements for interactive training. The proposed rule would be 12 NCAC 07D .0707 (d).

NCAC 7D.0707(d) Proposed by the Committee

- (d) The above 16 hours of training may be delivered electronically, remotely and interactively under the following conditions:
- (1) The training is being presented by a PPS Certified unarmed security officer trainer.
- (2) Each student is given a copy of the PPS unarmed security officer training manual to use for the duration of the 16 hour training course.
- (3) The technology used allows the trainer to see the students and the students to see the trainer in real time during the training.
- (4) All students in each classroom must be able to clearly see and read the screen or monitor and they must be able to clearly hear and understand the audio presentation. All monitors used in each classroom must be at least 32 inches wide.
- (5) The technology used must be of sufficient quality so that the training audio and video is done smoothly and without interruption or delay.
- (6) Each student is taught to use the audio and video equipment in their classroom prior to the start of the 16 hour unarmed security officer training course, or a company representative with knowledge of the operation of the equipment will be present for all classes.
- (7) The total number of students receiving the interactive training at one time cannot exceed 35 students.
- (8) All training not included in the NC Private Protective Services unarmed security officer training manual must be done either before or after the 16 hour unarmed security officer training.
- (9) The Director of Private Protective Services must be notified 5 days prior to training of the location of each classroom, name and location of the certified trainer and the number of students who will be present, unless prior approval is received.
- (10) The sponsoring agency must allow the Director access via computer of the training during the time that it is taking place.

MOTION BY MR. BOOTH TO APPROVE, SECONDED BY MR. JOHNSON, MOTION CARRIED.

The review of 12NCAC 07D .0112 discharge of firearms regarding the recommendation to establish a panel to review these discharges will be sent to the Board prior to the August meeting. The Board members will review the material prior to the August meeting and be prepared to discuss at the meeting. The modified version of this rule is in the Attorney's Report.

The current training video is outdated due to various rule and statute changes. Director Wright proposed amending the video which would cost \$5,000.00. The Training and Education Committee approved the request at it's Thursday meeting.

MOTION BY MR. BOOTH TO APPROVE \$5000 AND 100 NEW VIDEOS FOR THE UPDATE, SECONDED BY MR. DONALDSON, MOTION CARRIED.

MOTION BY MR. BOOTH TO APPROVE THE WACKENHUT INTERACTIVE TRAINING PROGRAM. SECONDED BY MR. JOHNSON, MOTION CARRIED.

Mr. Stevens reviewed the Continuing Education Requirements that were established at the June 6, 2008 Sub Committee meeting, the recommendation of a rule change to reflect 12 hours of Continuing

Education during the two year licensing period was recommended.

The process for an approved course will be handled as follows:

- 1. The individual wishing to be credited with approval of the course will complete an application provided by the board.
- 2. The proper documents will be submitted with the application, which are:
 - a. Subject matter of the course
 - b. Number of hours of the course
 - c. Bio of the individual instructor presenting the course
- 3. This information will be reviewed by 2 individuals appointed by the Chairman of the Training & Education Committee. These two individuals may be rotated at the discretion of the Chairman.
- 4. After the review of the request, it will be presented to the full Screening Committee for a consideration.
- 5. After consideration it will be presented to the Full Board for action.

The committee also recommended that if a class is being taught that a Licensee would like to attend which has not been approved prior to the individual taking the class then the following would happen.

- The individual attending the class will complete an application and attach a copy of the agenda for the course.
- 2. Submit a copy of the certificate received.
- 3. Give the number of hours attended and credited for the class.
- 4. Request this be considered by the Training & Education Committee for approval.

It was the committee's decision that a total of 12 hours of continuing education would be required for the two year renewal process. No more than 2 hours would be granted for attending the PPS Board Meetings that being 1 hour per year.

The committee will recommend the effective date be on or after January 1, 2010.

MOTION BY MR. JOHNSON TO ACCEPT THE TRAINING AND EDUCATION REPORT, SECONDED BY MR. GRIMES, MOTION CARRIED.

FINANCE COMMITTEE REPORT - NONE

<u>GRIEVANCE COMMITTEE REPORT</u> - NONE

SCREENING COMMITTEE REPORT - NONE

74C RE-WRITE COMMITTEE:

Mr. Burris advised the committee had not met. However, he had met with a Senator regarding proposed changes to 74C.

DIGITAL FORENSICS:

Mr. Booth advised that there was a meeting on June 9, 2008 in Greensboro. The Committee

recommended a separate license to be called Digital Forensics Examiner. This will require new rules to require 3000 hours of verifiable experience, credit for obtaining a college degree, 12 CEU's for renewals and the digital forensics license would not apply to Accountants and Network Security Personnel.

MOTION BY MR. BOOTH TO ACCEPT. SECONDED BY MR. JOHNSON.

After additional discussion, the language will need to be amended to include that Private Investigators using digital cameras or other recorders during the normal course of their investigations are not required to have this license.

The legislature usually allows licensees that have been engaged in this type of investigation prior to the license requirement to be grand fathered in.

MOTION BY MR. BOOTH TO WITHDRAW HIS PREVIOUS MOTION, SECONDED BY MR. JOHNSON, MOTION CARRIED.

The decision was made to further discuss this issue at the August Board meeting.

OUT OF STATE COMMITTEE:

Mr. Donaldson stated that they met for the first time on June 9, 2008. The discussions included the fact that not all states will share information and at this time there are only about 29 states that are reliable. The committee will have additional meetings to study this issue.

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of 05/01/08 we have \$371,561.63 and the recovery fund is \$82,873.27. As of 06/17/08 we have a total of 11,988 PPS registrations, 1,575 license, 592 certifications for a total of 14.155 for PPS.

The IASIR Conference will be in Orlando, Florida November 5-7, 2008, the attendees will be Mr. Blanks, Mr. Stevens, Mr. Grimes and Mr. Wright.

MOTION BY MRS. BISHOP TO SEND MR. WRIGHT, MR. STEVENS, MR. GRIMES AND MR. BLANKS TO THE CONFERENCE. SECONDED BY MR. BURRIS. MOTION CARRIED.

The Board addressed the issue as to whether a Private Investigator Associate who is currently licensed and request to change sponsors during the licensing period would have to pay an additional full licensing fee to change sponsors. Mr. McDarris stated that the wording in the rules and statute is ambiguous.

11:00 A.M. Executive Session 11:15 A.M Reconvened

MOTION BY MR. BURRIS TO SUSPEND FEES FOR PRIVATE INVESTIGATOR ASSOCIATES PENDING A RULE CHANGE, THEY SHALL BE CHARGED NO FEE AND RETAIN THE SAME EXPIRATION DATE. SECONDED BY MRS. PLEASANT, MOTION CARRIED.

The Board also discussed the issue of the Company Police Commission as it relates to 74C-12(c)(2). There is an inconsistency in the law regarding whether they can be registered, or hold a permit, or certification. However, regular law enforcement are allowed to be registered and hold a certification. Mr. Johnson wanted Certification to be clarified in the classification of license, registration and permit.

MOTION BY MR. STEVENS TO ADVISE LICENSEES OF THE BOARD'S POSITION THAT AN INDIVIDUAL WITH A COMPANY POLICE COMMISSION IS NOT ALLOWED TO BE LICENSED OR REGISTERED BUT MAY HOLD A TRAINING CERTIFICATE. THIS MATTER SHOULD BE REFERRED TO THE 74C REWRITE COMMITTEE. SECONDED BY MR. BURRIS, MOTION CARRIED.

MOTION BY MR. JOHNSON TO ACCEPT THE DIRECTOR'S REPORT, SECONDED BY MR. BURRIS. MOTION CARRIED.

ATTORNEY'S REPORT:

Mr. McDarris stated that all Consent Agreements are current or paid. The report omitted the Consent of \$962.00 for Mr. John Callicutt of Walton Protective Services which has been paid.

The rules are all in process as per the report. There was a change to 12 NCAC .0806 to require anyone renewing an armed registration to be 21 years of age.

MOTION BY MR. GRIMES TO APPROVE, SECONDED BY MRS. PLEASANT, MOTION CARRIED.

There was discussion regarding a rule change regarding PIA's who wish to Change Sponsors being assessed a fee of \$100 and the original expiration date to remain.

MOTION BY MR. BURRIS TO SUBMIT THE CHANGE, SECONDED BY MR. JOHNSON, MOTION CARRIED.

Mr. McDarris stated that Mr. Jeff Moore met the stipulation of the Board to repay Mrs. Broderick her settlement. This was the decision recommended by the Administrative Law Judge.

MOTION BY MR. BURRIS TO ADOPT THE ADMINISTRATIVE LAW JUDGE'S DECISION, SECONDED BY MRS. PLEASANT, MOTION CARRIED.

The last attachment was the Attorney's Contract.

MOTION BY MR. ASHE TO ADOPT THE CONTRACT, SECONDED BY MR. BURRIS, MOTION CARRIED.

MOTION BY MR. JOHNSON TO ACCEPT THE ATTORNEY'S REPORT, SECONDED BY MR. ASHE, MOTION CARRIED.

Chairman Blanks thanked the Board for an outstanding job this past year.

MOTION BY MR. STEVENS TO ADJOURN, SECONDED BY MRS. BISHOP, MOTION CARRIED.

Adjourned at 12:00 p.m